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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RICHARD J. BECERRA,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner of
12 Social Security Administration,

13 Defendant.

Case No. C08-5545BHS

ORDER OVERRULING
PLAINTIFF'S OBJECTIONS AND
ADOPTING REPORT AND
RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 17) and Petitioner's
16 Objections to the Report and Recommendation (Dkt. 18).

17 Plaintiff objects to Judge Creatura's findings that (1) the ALJ was legally justified in
18 rejecting the opinions of treating sources in favor of the opinion of a non-examining
19 physician and (2) the ALJ properly discounted Plaintiff's statements regarding the severity
20 of his limitations. Dkt. 18 at 2-6.

21 The district court reviews "de novo any part of the magistrates judge's disposition
22 that has been properly objected to." Fed. R. Civ. P. 72(c).


23 First, Judge Creatura found that "[s]ubstantial evidence supported the ALJ's reasons
24 for rejecting the opinions of" Plaintiff's treating physicians. Dkt. 17 at 10. The Court
25 agrees because the record supports the ALJ's findings as to Plaintiff's everyday activities
26 and Plaintiff's conservative treatment. Therefore, the Court overrules Plaintiff's objection to
27 Judge Creatura's recommendation on this issue.

1 Second, Judge Creatura found that the ALJ provided clear and convincing reasons for
2 discrediting Plaintiff's allegations with respect to the severity of his ailments. Dkt. 17 at 12-
3 15. The Court agrees because the record supports Judge Creatura's finding that the "ALJ
4 provided at least four clear and convincing reasons for partially rejecting Plaintiff's
5 credibility" Dkt. 17 at 14. Therefore, the Court overrules Plaintiff's objection to Judge
6 Creatura's recommendation on this issue.

7 The Court having considered the Report and Recommendation, Plaintiff's objections,
8 and the remaining record, does hereby find and order:

- 9 (1) The Court **OVERRULES** Plaintiff's Objections;
10 (2) The Court **ADOPTS** the Report and Recommendation; and
11 (3) This action is **DISMISSED**.

12 DATED this 29th day of April, 2009.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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